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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,848	12/08/2000	William J. Byrne	2222.0310000	2028
26111	7590	01/18/2005	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			SING, SIMON P	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/733,848

Applicant(s)

BYRNE ET AL.

Examiner

Simon Sing

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-11, 13-23 and 25-28 is/are rejected.
- 7) ☒ Claim(s) 12 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 3-9, 11, 13-21, 23 and 25-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Gergic et al. US Patent Application Publication No. 2002/0198719.

1.1 Regarding claim 3, Gergic discloses a method for generating voice XML dialog components (Abstract). Gergic teaches composing voice XML dialogs (scripts) for interactive voice response service (para. 55 and 58), embedding a voice XML in an element, such as JAVA bean, of a JAVA service page (para. 83-90); processing the dialogs which are dynamically generated for a voice response (Abstract; para. 55, 58, 59 and 92), and interpreting the dialog to generate a voice response (para. 58).

1.2 Regarding claim 4, Gergic teaches a voice XML (Abstract).

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1.3 Regarding claims 5 and 6, Gergic teaches JAVA service page (high level programming language).

1.4 Regarding claim 7, Gergic teaches a voice navigation menu (para. 58).

1.5 Regarding claim 8, Gergic teaches a HTTP protocol (para. 57).

1.6 Regarding claim 9, Gergic teaches generating a dialog or a sub-dialog (Abstract).

1.7 Regarding claim 11, Gergic teaches a voice navigation menu (para. 58), which inherently selects a predetermined sub-dialog (audio prompt) in a predetermined order (based on a user selection).

1.8 Regarding claim 13, it is inherent that a password is required for a user, using a voice XML browser to log on a voice web, and if the user enters a correct password (subscriber, within a domain), a voice welcome prompt and/or navigation menu is presented to the user. If an incorrect password is entered (not a subscriber), another prompt, such as asking the user to reenter the password, is played.

1.9 Regarding claim 14, Gergic teaches a voice navigation menu (para. 58), which inherently routes a caller to one application programs, such as another prompts or a voice web page.

1.10 Regarding claim 15, Gergic discloses an application to generate voice XML dialog components (Abstract). Gergic teaches composing voice XML dialogs (scripts) for interactive voice response service (para. 55 and 58), embedding a voice XML dialog in an element, such as JAVA bean, of a JAVA service page (para. 83-90); and processing the dialogs which are dynamically generated for a voice response with an interpreter (Abstract; para. 55, 58, 59 and 92).

1.11 Regarding claim 16, Gergic teaches a voice XML (Abstract).

1.12 Regarding claims 17 and 18, Gergic teaches JAVA service page (high level programming language).

1.13 Regarding claim 19, Gergic teaches a voice XML browser connected to a voice web server in figure 4. It is inherent that connection can be made through a telephone line (dial up connection). The interpreter and the application program are adapted to process voice request and select a dialog to the request (para. 119 and 121).

1.14 Regarding claim 20, as shown in figure 4, the protocol is HTTP.

1.15 Regarding claim 21, the interpreter is adapted to execute a generated dialog (para 55).

1.16 Regarding claim 23, Gergic teaches a voice navigation menu (para. 58), which inherently selects a predetermined sub-dialog (audio prompt) in a predetermined order (based on a user selection).

1.17 Regarding claim 25, it is inherent that a password is required for a user, using a voice XML browser to log on a voice web, and if the user enters a correct password (subscriber, within a domain), a voice welcome prompt and/or navigation menu is presented to the user. If an incorrect password is entered (not a subscriber), another prompt, such as asking the user to reenter the password, is played.

1.18 Regarding claim 26, Gergic teaches a voice navigation menu (para. 58), which inherently routes a caller to one application programs, such as another prompts or a voice web page.

1.19 Regarding claims 27 and 28, Gergic teaches a voice XML (extended markup language) (Abstract).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundaresan US 6,569,207 in view of Ladd et al. US 6,269,336.

Sundaresan discloses a method and system for converting XML documents to component models in figures 1-3. Sundaresan teaches composing a script (schema or document) in XML (column 11, lines 43-65), embedding the script in an element (JAVA bean) of a high level programming language (JAVA) (column 12, lines 30-34), processing the script by replacing the element <ELEMENT class-name> (column 11, lines 43-65), and interpreting the script by a handler (column 8, lines 66-67; column 9, lines 1-16).

Sundaresan fails to teach composing the scrip for an interactive voice response service.

However, Ladd discloses a voice browser for interactive service. Ladd teaches a markup language for providing interactive service (Abstract, column 16, lines 41-61). The markup language includes voice extensible markup language (column 17, lines 29-67; column 18, lines 34-40) to provide voice interactive service (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sundaresan's reference with the teaching of Ladd, so that the extended markup language would have been included voice extensible markup language (VXML) for providing voice interactive service, because

such a modification would have enabled a system developer to use a markup language for various applications.

3. Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sundaresan US 6,569,207 in view of Ladd et al. US 6,269,336 and further in view of Surace et al. US 6,144,938.

The modified Sundaresan's reference, teaches using VXML to provide a voice interactive service, but fails to teach that a voice prompt is randomly selected from a set of audio prompts.

However, Surace discloses a voice user interface with personality in figures 1 and 2 (column 3, lines 38-67; column 4, lines 1-53; column 5, lines 25-38). Surace teaches creating a pool of audio prompts (Figure 15; column 20, lines 1-20), dividing audio prompts with similar meanings into three segments (mail\_top\_navlist, mail\_sum\_all\_voicemail\_none and gu\_mail\_reply\_recipient), and randomly generating a number to select an audio prompt in the segments (column 20, lines 1-20; column 5, lines 40-44; column 11, lines 16-25; column 15, lines 5-9, 19-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sundaresan's reference, which as modified by Ladd, with the teaching of Surace, so that an audio prompt would have been selected randomly from a set of audio prompts, and the motivation for modification was to create a voice prompt with personality instead of a monotone.



***Allowable Subject Matter***

4. Claims 12 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The current invention discloses selecting an audio prompt from a variable length list of audio prompts after determining that the end of the variable length list has not been reached. Prior art of Gergic, Sundaresan and Ladd fail to teach playing a voice prompt from a variable length list of audio prompts.

***Response to Arguments***

5. Applicant's arguments with respect to claims 3-28 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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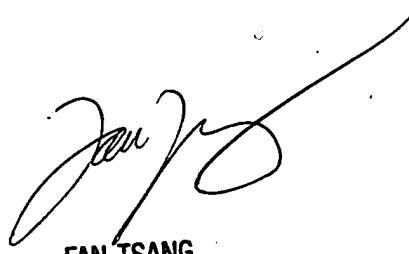
supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



S.S.

01/05/2005



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
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